UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT ARIZONA STRIP FIELD OFFICE CATEGORICAL EXCLUSION REVIEW

CX-AZ-110-2005-0072

PROJECT TITLE: Double H Outfitters Special Recreation Permit

PROJECT LEAD: Michelle Bailey, Outdoor Recreation Planner

PROPOSED ACTION: Authorize a Special Recreation Use Permit to Double H Outfitters to guide and outfit clients with hunting permits for big horn sheep in Arizona. The area for the proposed action would be Arizona Game and Fish Department's Game Management Unit 13B on Public Lands managed by BLM's Arizona Strip Field Office. This would be valid for three years from the date of issuance and would be reevaluated on a yearly basis if all conditions are met and performance is deemed satisfactory.

Please see map for existing campsite location which is east of Black Rock Canyon and south of I-15. Permittee will use existing site and will not create new sites. The guide to client ratio will be no less than one to five.

All vehicles will remain on signed or existing roads. Travel to destination points and route corridors will remain within existing road bed. All travel within and guiding operations within wilderness will be non-motorized and non-mechanized.

All human sanitation needs will be met through the use of pit toilets provided and maintained by the permittee at the identified campsite. Tailgate sessions will include land use ethics and visitor safety.

Double H Outfitters employs two CPR qualified guides: Chris Harlow (Guides License # SP632583) and Tyson Hatch (Guides License # SP628561).

LOCATION OF PROPOSED ACTION: Public Lands on the Arizona Strip Field Office. Project falls in various Townships and Ranges.

Gila and Salt River Meridian (See attached map)

PLAN CONFORMANCE REVIEW:

Arizona Strip District Resource Management Plan, Date Approved: Jan 1992 Other documents: RMP Amendment for Mojave, Date Approved: Dec 1998

Shivwits Resource Area Implementation Plan for the Arizona Strip Approved Resource Management Plan. (SRAIP) Date Approved: Jan 1992

Wilderness Management Plan Paiute and Beaver Dam Mountains (WMPPBD), Date Approved: June 1990

The proposed action is in conformance with the current land use plan and is specifically provided for in the following decisions.

SRAIP: RR02: Evaluate requests for additional recreation permits through the National Environmental Policy Act process and for their consistency with management goals and objectives and processed on a

case-by-case basis.

SRAIP: RR09: Commercial recreation permits would be issued to the extent that their cumulative impacts are consistent with the overall objectives of this plan in the public interest.

WMPPBD: PG10: Commercial use of the wilderness will be regulated through the Special Recreation Permit process. Appropriate stipulations to protect wilderness values will be specified in the permits.

CATEGORICAL EXCLUSION REVIEW: The proposed action is categorically excluded under 516 DM 6, Appendix 5.4: H. (5) Issuance of special recreation permits to individuals or organized groups for search and rescue training, orienteering or similar activities and for dog trails, endurance horse raced or similar minor events.

The proposal has been reviewed to determine if any of the exceptions described in 516 DM 2, Appendix 2, apply. Surname(s) verify completion of this review by appropriate specialists.

NAME		LIST OF EXCLUSION CRITERIA Assign surnames for determination under each below
	1.	The proposal would have no adverse effects on public health or safety: Michelle Bailey
	2.	The proposal would not adversely affect unique geographic characteristics such as park, recreation, or refuge lands, wilderness areas, wilderness study areas, wild and scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks: <i>Michelle Bailey</i>
	_ 3.	The proposal would have no adverse effects on historic or cultural resources: John Herror
	4.	The proposal would have no highly controversial environmental effects: Michelle Bailey
	5.	The proposal would have no highly uncertain or potentially significant environmental effects nor does it involve unique or unknown environmental risks: <i>Michelle Bailey</i>
	6.	The proposal would not establish a precedent for future action or represents a decision in principle about a future consideration with potentially significant environmental effects: <i>Michelle Bailey</i>
	7.	The proposal is not directly related to other actions with individually insignificant, but cumulatively significant effects: <i>Michelle Bailey</i>
	8.	The proposal would not adversely affect properties listed or eligible for listing in the National Register of Historic Places: <i>John Herron</i>
	9.	The proposal would not adversely affect a plant species listed or proposed to be listed on the list of endangered and threatened species, nor have adverse effects on designated critical habitat for these species: <i>Lee Hughes</i>
	_ 10	The proposal would not adversely affect an animal species listed or proposed to be listed on the list of endangered and threatened species, nor have adverse effects on designated critical habitat for these species: <i>Michael Herder</i>
	11	The proposal would not require compliance with Executive Order 11988 (Floodplain Management) or Executive Order 11990 (Protection of Wetlands). <i>Michael Herder</i>
	12	. The proposal would not require compliance with the Fish and Wildlife Coordination Act:

Mich	ael Herder	
	oposal does not threaten to violate a federal, stated for the protection of the environment: <i>Michelle</i>	· ·
	oposal is in conformance with the Arizona Strip D Environmental Impact Statement (January, 1992)	
that the proposal is in o	eviewed this plan conformance and NEPA compliconformance with the approved land use plan, that and that no further environmental analysis is requ	at it would have no significant
REVIEWED BY:		DATE:
	Environmental Coordinator - Arizona Strip	
IT IS OUR DECISION IN THE ATTACHMEN	TO IMPLEMENT THE PROPOSAL, AS DESCRI T.	BED, WITH THE STIPULATIONS
APPROVED BY:		DATE:
	Field Manager - Arizona Strip	

Appendix A: Permit Stipulations
Appendix B: List of those who were sent the CX for review

SPECIAL RECREATION PERMIT STIPULATIONS

Arizona Strip Field Office

1.	Any filming/photography of permitted hunting activities that takes place with the express intent to sell the product back to the guided client(s) as souvenirs or training videos, etc. would be subject to a vending permit being included as part of the Special Recreation Permit. A separate Land Use Permit would be required for other commercial filming on public lands, defined in IM No. 2004-73 as, "The use of motion picture, videotaping, sound recording, or other moving image or audio recording equipment on public lands that involves the advertisement of a product or service, the creation of a product for sale, or the use of actors, models, sets, or props, but not including activities associated with broadcasts for news programs. For purposes of this definition, creation of a product for sale includes a film, videotape, television broadcast, or documentary of participants in commercial sporting or recreation event created for the purpose of generating income."
2.	The permittee shall comply with all Federal, State, and local laws, ordinances, regulations, orders, postings, or written requirements applicable to the area or operations covered by the Special Recreation Permit (SRP). The permittee shall ensure that all persons operating under the authorization have obtained all required Federal, State, and local licenses or registrations. The permittee shall make every reasonable effort to ensure compliance with these requirements by all agents of the permittee and by all clients, customers, participants, or spectators under the permittee's supervision.
3.	Conviction of violating federal or state statutes relating to the resources on public land (cultural, wildlife laws, etc.) may cause existing permits to be suspended or cancelled.
4.	A Special Recreation Permit authorizes special uses of the public lands and related public waters and, should circumstances warrant, the permit may be modified by the BLM at any time, including the amount of use. The authorized officer may suspend or terminate a SRP if necessary to protect public resources, health, safety, the environment, or noncompliance with permit stipulations. Actions by the BLM to suspend or terminate a SRP can be appealed.
5.	If it is determined by BLM that a proposed activity related to a SRP may affect a species federally listed as threatened or endangered or its designated critical habitat, BLM must either deny the permit or consult with the U.S. Fish and Wildlife Service for up to 180 days before rendering a decision. {BLM requests that permit holders notify the BLM Arizona Strip Field Office's wildlife team lead or the condor biologist if California condors visit their worksite while permitted activities are under way. BLM may request that project activities be modified, relocated, or delayed where adverse affects to condors

	may result. Use of non-lead ammunition is strongly encouraged for activities that involve use of firearms. Compliance with such requests is optional.}
6.	SRP holders performing prohibited acts related to grazing management (43 CFR 4140.1) may be subject to civil penalties, as well as cancellation or suspension of their Special Recreation Permit. These prohibited acts include: installing, using, maintaining, modifying, and/or removing range improvements without authorization; cutting, burning, spraying, destroying, or removing vegetation without authorization; damaging or removing U.S. property without authorization; littering; failing to reclose any gate or other entry during periods of livestock use; and interfering with lawful uses or users including obstructing free transit through or over the public lands by force, threat, intimidation, signs, barriers, or locked gates.
7.	In addition to civil and criminal penalties, prohibited acts for which existing SRP permits may be either suspended or cancelled also include violation of Federal or state laws pertaining to the: placement of poisonous bait or hazardous devices designed for the destruction of wildlife; application or storage of pesticides, herbicides, or other hazardous materials; pollution of water sources; illegal take, destruction or harassment, or aiding and abetting in the illegal take, destruction, or harassment of fish and wildlife resources; and illegal removal or destruction of archeological or cultural resources.
8.	Convictions for violations of specific federal wildlife statutes such as the Bald Eagle Protection Act (16 U.S.C. 668 et seq.), Endangered Species Act (16 U.S.C. 1531 et seq.), Airborne Hunting Act (16 U.S.C. 742 et seq.), or the Lacey Act (16 U.S.C. 3371 et seq.), will be grounds for BLM to reject applications for wildlife and hunting related SRPs. In the case of existing wildlife and hunting related SRPs, such convictions will result in suspension or cancellation of the permits by BLM.
9.	BLM may suspend or cancel an existing SRP if the holder commits any of the acts prohibited in 43 CFR 8365 (Rules of Conduct), or violates any site specific rules posted in the area.
10	No value shall be assigned to or claimed for the permit, or for the occupancy or use of Federal lands or related waters granted thereupon. The permit privileges are not to be considered property on which the permittee shall be entitled to earn or receive any return, income, price or compensation. The use of a permit as collateral is not recognized by BLM.
11	. Unless expressly stated, the SRP does not create an exclusive right of use of an area by the permittee. The permittee shall not interfere with other valid uses of the Federal land by other users. The United States reserves the right to use any part of the area for any purpose.
12	Permittee is responsible for knowing the location of special management areas, such as Areas of Critical Environmental Concern (ACECs) and designated wilderness areas, as

well as the use restrictions that apply, and complying with those use restrictions. □ 13. The permittee or permittee's representative may not assign, contract, or sublease any portion of the permit authorization or interest therein, directly or indirectly, voluntarily or involuntarily However, the authorized officer may approve contracting of equipment or services in advance, if necessary to supplement a permittee's operations. Such contracting should not constitute more than half the required equipment or services for any one trip and the permittee must retain operational control of the permitted activity. If equipment or services are contracted, the permittee shall continue to be responsible for compliance with all stipulations and conditions of the permit. ☐ 14. SRP's for commercial recreation uses requiring a license from the State (i.e., outdoor youth programs, hunting guides, etc.) will be valid only when accompanied by a valid State license. □ 15. All advertising and representations made to the public and the authorized officer must be accurate. Although the addresses and telephone numbers of the BLM may be included in advertising materials, official agency symbols may not be used. The permittee shall not use advertising that attempts to portray or represent the activities as being conducted by the BLM. The permittee may not portray or represent the permit fee as a special Federal user's tax. The permittee must furnish the authorized officer with any current brochure and price list if requested by the authorized officer. □ 16. The permittee must assume responsibility for inspecting the permitted area for any existing or new hazardous conditions, e.g., trail and route conditions, land slides, avalanches, rocks, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous wildlife, or other hazards that present risks for which the permittee is responsible. □ 17. In the event of default on any mortgage or other indebtedness, such as bankruptcy, creditors shall not succeed to the operating rights or privileges of the permittee's SRP. □ 18. The permittee cannot, unless specifically authorized, erect, construct, or place any building, structure, or other fixture on public lands. Upon the permittees leaving the public lands, the lands must be restored to as nearly as possible to pre-existing conditions. If rehabilitation is required with seeding or the planting of vegetation, a BLM approved rehabilitation plan will be required and native species will be used, whenever possible. □ 19. Food, water, and/or equipment caches will not be allowed unless prior approval is obtained from BLM's authorized officer. Location of proposed caches must be identified in the permittee's approved operating plan. □ 20. The permittee must present or display a copy of the Special Recreation Permit to an authorized officer's representative, or law enforcement personnel upon request. If required, the permittee must also display a copy of the permit or other identification tag on

	use. The permittee and his/her agents must have with them a copy of the permit, including stipulations, when in the field and doing business or conducting operations related to this permit.
21	. When contacted by law enforcement personnel, the permittee and their agents shall identify themselves as SRP holders or agents operating under a permit.
	The authorized officer, or other duly authorized representative of the BLM, may examine any of the records or other documents related to the permit, the permittee or the permittee's operator, employee, or agent for up to 3 years after expiration of the permit.
23	. BLM reserves the right to check the public record for law convictions of any SRP applicant, permit holder, or agent.
	. The permittee must submit a Post-Use Report to the authorized officer within 30 days after the use season. This report will be used to determine if additional fees are required of the permittee based upon total permitted use. For hunting and fishing outfitters, the report is due by January 31 for every year the permit is in effect. If the permittee desires, use reports may be submitted periodically throughout the permit period.
	. The permittee may be required to furnish written permission from private property/landowners whose property/land/water is affected by the use associated with the permit.
	6. The permittee must submit a Post Use Report to the Authorized Officer for every year the permit is in effect. If the post use report is not received by the established deadline, the permit will be suspended and or fines assessed.
	7. The applicant/permittee is required to provide the Authorized Officer with a copy of a valid insurance policy or proof thereof covering the periods of use prior to being issued a SRP authorizing any use. The U.S. Government and the permittee must be named as additional insured on the policy. Permittee must keep insurance in effect; during any period when the insurance is not in effect or cancelled, the SRP is suspended.
	All signs placed on public lands by the permittee must be authorized by BLM in writing. Permittee shall not construct cairns, use flagging, or paint to mark trails, unless specified in their permit. All signs and all flagging must be removed from public lands at the end of the use period.
	. Collection of prehistoric or historic artifacts is prohibited on Federal Lands and is prosecutable under the Archaeological Resources Protection Act. (Historic artifacts are

equipment, especially full sized vehicles and ATVs, used during the period of authorized

	those more than 50 years old). Disturbance, defacement, or excavation of prehistoric and historic sites is also prohibited. Disturbance of human graves of natives is a violation of the Native American Graves Protection and Repatriation Act.
30	D. Harassment of livestock, wildlife, wild horses or burros, or destruction of private and public improvements such as fences and gates is prohibited. Gates will be left open or closed, as they are found.
31	The permittee will practice proper precautions for noxious weed spread using certified weed-free feed and bedding for livestock and/or dogs. In addition, all machinery (street legal motorized vehicles, tractors, non-street legal all terrain vehicles, dirt bikes, etc) that has been used outside the Arizona Strip must be cleaned prior to use on the Arizona Strip in order to prevent the possible introduction and spread of noxious weeds.
32	2. All motor vehicle use will comply with applicable off-highway vehicle regulations.
33	3. In desert tortoise Desert Wildlife Management Areas/Areas of Critical Environmental Concern (DWMA/ACECs), all dogs, including dogs used in hunting, must be kept leashed or under voice control during the tortoise active season (March 15 to October 15).
34.	Permittees shall not leave personal property unattended longer than {ten days} unless otherwise authorized.
35	5. The permittee is at all times responsible for the actions of himself, his employees, and guests in connection with the authorized operations, and shall not cause a public disturbance or engage in activities which create a hazard or nuisance.
36	6. Permittee shall not construct new trails, or maintain existing trails without written authorization.
37	7. No structures or improvements will be allowed to remain after the period of actual use, such as the end of hunting season. Such structures and improvements may include but are not limited to such things as corrals, picnic tables, meat hanging poles, hunting blinds, elevated hunting stands, fire rings, fire barrels, etc.
38	3. The permittee shall notify the authorized officer of any accident which occurs while involved in activities authorized by this permit which results in: death, personal injury requiring hospitalization or emergency evacuation, or in property damage greater than \$2,500. Reports must be submitted to BLM within 48 hours in the case of death or injury, and within 10 days in accidents involving property damage.
3	9. Use of explosives, pyrotechnics, and fireworks is prohibited.

	40. Shooting at rocks, signs, trees, or non-game animals for target practice is prohibited.
	41. Sheep species are not allowed for pack use.
	42. Horses/mules/pack stock will not be tied to live trees or bushes for more than one hour. Horses/mules/pack stock will not be kept in an area where they will destroy the existing vegetation.
	43. If a permittee is found to not be in compliance with any of the standard, specialized, and general stipulations listed and included on his/her SRP, the authorized officer may suspend or cancel the permit.
B	ASE CAMP OPERATION AND CAMPING STIPULATIONS:
	44. Once established, all camps, including base camps (camps used for more than three nights and typically the point from which other operations related to the SRP are based) and smaller camps, should be clearly identified with the name of the permittee and the SRP number.
	45. Leave No Trace" principles must be followed. (See enclosed reference materials)
	46. Arizona Revised Statute 17-308 states that it is unlawful for a person to camp within one-fourth mile (1320 feet) of a natural water hole containing water or a manmade watering facility containing water in such a manner that wildlife or domestic stock will be denied access to the only reasonably available water. This regulation is enforced by the State of Arizona and is also enforceable by BLM using 43 CFR 9264.1. 43
	47 N/A
	48. All base and smaller camps will be located at least 200 feet from any known archaeological sites, including prehistoric camps, rock shelters, caves, and historic buildings.
	49. All camps and use areas will be maintained in a neat and clean condition with no litter.
	50. All noncombustible refuse and all unburned combustible refuse must be carried out of the area and disposed of in a county approved disposal site. Burying garbage is prohibited.
	51. A portable toilet will be required at vehicle accessible base camps and/or base camps with a group size greater than eight. Portable toilets are the preferred method for human waste disposal and must be emptied only at approved sites. At non–vehicle accessible

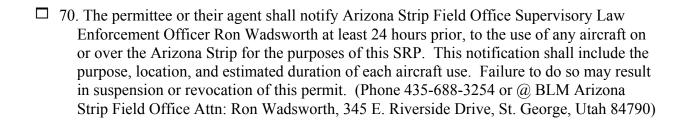
than 200 feet from water sources and active dry washes on sites that maximize direct sunlight. The hole excavated for the latrine will be 8-12 inches deep and will be completely filled in and disguised when camp is broken. □ 52. No person or persons shall camp or otherwise occupy one area on public land within the Arizona Strip for longer than 14 consecutive days in any 28-day period. Any site on public land within 30 air miles constitutes the same area for purposes of this rule, except persons occupying a regular campsite within the Virgin River Canyon Recreation Area are exempt from this rule. However, exemptions to this rule may be authorized by the BLM Authorized Officer, if he/she is notified in advance of anticipated base camp stays of greater than 14 days. This notification must be given to BLM prior to the 14th day of occupancy and must be approved by the BLM Authorized Officer. STIPULATIONS ON THE USE OF FIRE and FIRE SAFETY: □ 53. The permittee may use only dead and down wood for campfires (unless otherwise directed). Cutting or removing any live vegetation or standing dead vegetation is prohibited. □ 54. Camp and cooking fires are permitted unless otherwise posted during periods of wildfire danger or for other circumstances. The use of camp stoves and fire pans is strongly encouraged. □ 55. The permittee must use existing campfire circles when they exist, rather than construct new ones. If no existing fire circles, sites should be selected that can be "naturalized" at departure. □ 56. Camp fires will be away from trees, shrubs and other vegetation. Do not build fires next to rocks and avoid the need to encircle your fire with stones. □ 57. The permittee must take all reasonable precautions to prevent wild land fires. □ 58. The permit holder is hereby advised that in time of severe fire danger or other emergencies, in order to protect federal resources, BLM may close large areas to the public. This permit does not entitle the holder to an exception to emergency closures. □ 59. Fires will not be left unattended. Fires must be dead out when camp is left. Permittee may be held responsible for fire suppression costs resulting from wildfire caused by permittee, employees, or clients. □ 60. Wildfires caused by permitted use should be reported immediately to the nearest BLM office. Permittee is responsible for informing employees and clients of the current fire

danger and required precautions that may be placed in effect by BLM or the State.

camps and when the group size is less than eight, group latrines will be located no closer

SPECIAL STIPULATIONS THAT APPLY TO THE GRAND CANYON-PARASHANT AND THE VERMILION CLIFFS NATIONAL MONUMENTS:

	61. Permittee may not clean out stock trucks or trailers on the Monuments.
	62. Within the Grand Canyon-Parashant and the Vermilion Cliffs National Monuments, collection of Monument resources, objects, rocks, petrified wood, fossils, plants, parts of plants, animals, fish, insects, or other invertebrate animals, parts of animals, and other items is prohibited. This SRP does not give authorization to appropriate, injure, destroy, or remove any feature of this monument, or to locate or settle upon any of the lands thereof.
	63. The BLM issued Special Recreation Permit (SRP) does not cover operations on the National Park Service administered portion of the Grand Canyon-Parashant National Monument; a separate Incidental Business Permit or a Commercial Permit from the Lake Mead National Recreation Area is required for activities on NPS lands.
	64. Only approved native species and native seed may be used for rehabilitation within the Monuments.
SP	ECIAL STIPULATIONS THAT APPLY TO VEHICLE-RELATED EVENTS:
	65. In desert tortoise Desert Wildlife Management Areas/Areas of Critical Environmental Concern (DWMA/ACECs), vehicle-based camping is limited to within 50 feet of existing routes.
	66. In desert tortoise DWMAs/ACECs, a permit is required for all events with fifty or more participants. No more than 400 motorcycles or all-terrain vehicles, or 300 four-wheeled vehicles shall be allowed in any one event. Vehicle travel shall be limited to routes authorized in the permit.
	67. Permittee is responsible for the proper cleanup of all trash, vehicle fluid (including, but limited to, fuel, motor oil, hydraulic fluid, gear oil, and coolants), vehicle parts, etc., prior to submission of the Post-Use Report and prior to the release of any required posted bond.
	68. Inflicting damage to live standing trees is prohibited. The use of fabric tow straps when using trees as winch anchor points is required in order to protect the tree bark.
SP	ECIAL STIPULATIONS THAT APPLY TO HUNTING GUIDES AND OUTFITTERS
	69. Revocation of state hunting or guiding privileges will result in cancellation of an existing SRP. Hunting guide SRP holders may not employ as their agents under the SRP individuals whose hunting privileges have been revoked.



Appendix B: List of those who were sent the CX for review

ASFO NEPA DOCUMENT ROUTING SHEET

Number: CX-AZ-110-2005-0072

Project Title: Double H Hunting Guide

Project Lead: Michelle Bailey, GCPNM Outdoor Recreation Planner

Date that concurrent, electronic distribution for review was initiated: 09/02/2005

Deadline for receipt of responses: 09/23/2005

Required Reviews:

Gloria Benson, Native American Coordinator
Tom Folks, Recreation
Laurie Ford, Lands/Realty/Minerals
Michael Herder, Wildlife
John Herron, Cultural
Lee Hughes, Plants
Ray Klein, GCPNM Supervisory Ranger
Linda Price, S&G
Bob Sandberg, Range
Richard Spotts, Environmental Coordinator
Ron Wadsworth, Supervisory Law Enforcement
Dennis Curtis, GCPNM Manager
Kathleen Harcksen, GCPNM Assistant Manager
Darla Sidles, GCPNM Superintendent
Becky Hammond, Arizona Strip Field Office Manager

